



Practitioner's Docket No. 006383.00005

AK
JRW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Todd A. Elson

Application No.: 10/697,472

Group No.: 3617

Filed: October 29, 2003

Examiner: Swinehart

For: ROLLER ASSEMBLY FOR FLOATING DOCK

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed August 16, 2005, for a second time rejecting claims 1-6, 12-14.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed on October 29, 2003.

09/08/2005 SDENB0B1 00000004 501971 10697472
01 FC:2401 250.00 DA

{527229;}

CERTIFICATION UNDER 37 C.F.R. ' ' 1.8(a) and 1.10* (When using Express Mail, the Express Mail label number is **mandatory**; *Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

(X) deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

(X) with sufficient postage as first class mail.

37 C.F.R. § 1.10*

() as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

() facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 8/31/05

Frank J. Catalano
Signature
FRANK J. CATALANO
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Small entity	\$250.00
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Notice of Appeal fee due	\$250.00
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3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$250.00
TOTAL FEE DUE	\$250.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$250.00 to Deposit Account No. 50-1971.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

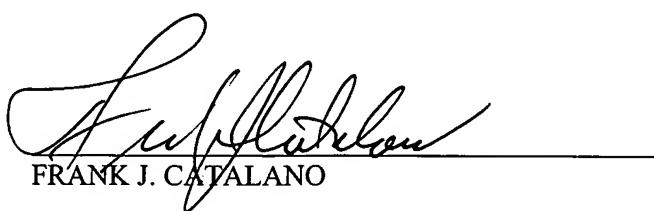
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1971.

Date:

4/31/05


FRANK J. CATALANO